

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

YOLANY PADILLA, et al.,

Plaintiffs,

v.

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT, et al.,

Defendants.

Case No. 18-cv-0928 MJP

**DECLARATION OF MATT ADAMS
IN SUPPORT OF PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION**

I, Matt Adams, hereby declare:

1) I am an attorney at law, admitted in the State of Washington and currently employed by Northwest Immigrant Rights Project (NWIRP) as its Legal Director. I am counsel of record for Plaintiffs in this case.

2) I have been working as an immigration attorney at NWIRP for the last twenty years. From June of 1998 to July of 2005, I worked at NWIRP's Eastern Washington office, in Granger, Washington, first as a Staff Attorney and later as the Directing Attorney of that office. In June of 2005, I became the Litigation Director, working out of NWIRP's Seattle office. In July of 2006, I assumed my current position as Legal Director of NWIRP. In this role, I am responsible for

1 supervising all litigation by NWIRP on behalf of clients before the federal district courts, the Court
2 of Appeals and the Supreme Court.

3 3) I have extensive experience on cases focusing on immigrant rights. During the last twenty
4 years, I have litigated cases and personally argued on behalf of immigrants before Immigration
5 Judges; the Board of Immigration Appeals; Federal District Courts and the Ninth Circuit Court of
6 Appeals. I have represented prevailing petitioners before the Ninth Circuit Court of Appeals in the
7 following published cases: *Ramirez v. Brown*, 852 F.3d 954 (9th Cir. 2017) (Court of Appeals
8 affirmed district court order granting summary judgment on behalf of TPS holder who was denied
9 opportunity to apply for adjustment of status based on agency's failure to acknowledge his
10 inspection and admission as TPS holder); *Duran-Gonzales v. DHS*, 702 F.3d 504 (9th Cir. 2013)
11 (Court of Appeals reversed its prior opinion, finding that class members benefit from retroactivity
12 test where agency changes rules pursuant to Supreme Court's decision in *Brand X*); *Chay Ixcot v.*
13 *Holder*, 646 F.3d 1202 (9th Cir. 2011) (vacating reinstatement order as unlawful retroactive bar to
14 asylum claim); *Lopez-Birrueta v. Holder*, 633 F.3d 1211(9th Cir. 2011) (rejecting agency's
15 restrictive interpretation of battery for purposes of establishing eligibility for cancellation of removal
16 for victims of domestic violence); *Cortez-Guillen v. Holder*, 623 F.3d 933 (9th Cir. 2010) (holding
17 that agency is bound by elements as laid out in plain language of statute with regards to the realistic
18 probability test, and accordingly, Alaskan coercion statute does not categorically qualify as
19 aggravated felony crime of violence); *Bromfield v. Mukasey*, 543 F.3d 1071 (9th Cir. 2008)
20 (establishing a pattern and practice of persecution targeting gay men in Jamaica); *Mandujano-Real v.*
21 *Mukasey*, 526 F.3d 585 (9th Cir. 2008) (finding that petitioner's concession while unrepresented did
22 not preclude him from challenging legal basis on appeal and further holding that ID theft conviction
23 did not constitute aggravated felony theft conviction); *Suazo Perez v. Mukasey*, 512 F.3d 1222 (9th
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1 Cir. 2008) (finding that domestic violence statute in question did not categorically constitute a
2 deportable offense); *Hosseini v. Gonzales*, 471 F.3d 953 (9th Cir. 2006) (granting relief under the
3 Convention Against Torture to asylum applicant who had been charged as having being engaged in
4 terrorist activities); *Hernandez-Guadarrama v. Ashcroft*, 394 F.3d 674 (9th Cir. 2005) (holding that
5 the government could not rely on the statements made by witnesses where the government deported
6 those witnesses); *Perez-Gonzalez v. Ashcroft*, 379 F.3d 783 (9th Cir. 2004) (preventing government
7 from reinstating prior deportation order where person had a pending application for residence along
8 with the corresponding waiver); *Garcia-Lopez v. Ashcroft*, 334 F.3d 840 (9th Cir. 2003) (requiring
9 DHS to afford full effect to modification of conviction from felony to misdemeanor); and *Castro-*
10 *Cortez v. INS*, 239 F.3d 1037 (9th Cir. 2001) (prohibiting retroactive application of reinstatement to
11 persons who were deported prior to change in law).
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14 4) I have litigated and presented arguments in federal district courts, including the Eastern
15 and Western Districts of Washington and the Southern, Central and Northern Districts of California.
16 In addition, I have successfully moved for class certification and been approved by federal courts as
17 class counsel in ten different class actions on behalf of persons bringing challenges under the
18 Immigration and Nationality Act: *Wagafe v. Trump*, 2017 WL 2671254 (W.D. Wash. 2017)
19 (certifying nationwide classes challenging application of CARRP to applicants for adjustment of
20 status and naturalization); *Mendez Rojas, et al., v. Johnson, et al.*, No. C-16-1024-RSM, 2017 WL
21 1397749 (W.D. Wash. 2017) (certifying nationwide classes of persons seeking asylum who were
22 denied notice and opportunity to timely file applications); *Martinez Banos, et al., v. Asher, et al.*, No.
23 C-16-1454-JLR-BAT (W.D. Wash. 2017) (certification granted on behalf of class of detained
24 persons in withholding only proceedings in the Western District of Washington facing prolonged
25 detention without individual custody hearings); *F.L.B., et al., v. Lynch, et al.*, 2016 WL 3458352
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(W.D. Wash. June 24, 2016) (certification granted on behalf of circuit-wide class of unrepresented children in removal proceedings); *Rivera v. Holder*, 307 F.R.D. 539 (W.D. Wash. 2015) (granting class certification and summary judgment clarifying that Immigration Judges must consider whether to release immigration detainees on conditional parole as well as monetary bond); *Khoury v. Asher*, 3 F. Supp. 2d 877 (W.D. Wash. 2014) (class certification and declaratory relief granted on behalf of class, detained immigrants unlawfully subjected to mandatory detention); *B-H- v. USCIS*, Case No. C11-2108RAJ (W.D. Wash. 2013) (nation-wide challenge to asylum work authorization denials); *Franco-Gonzalez v. Holder*, Case No. 2:10-02211-DMG (C.D. Cal. 2011), 2011 U.S. Dist. LEXIS 158130 (C.D. Cal. Nov. 21, 2011) (granting class certification) and 2013 U.S. Dist. LEXIS 186258 (C.D. Cal. Apr. 23, 2013) (granting permanent injunction ordering the government to provide free legal representation to immigrants with serious mental disabilities); *Roshandel v. Chertoff*, 554 F. Supp. 2d 1194 (W.D. Wash. 2008) (successful class action on behalf of 450 naturalization applicants); and *Duran Gonzales v. U.S. Dep't. of Homeland Sec.*, 239 F.R.D. 620 (W.D. Wash. 2006) (certification granted for circuit-wide class).

5) I was selected for the Washington State Bar Association's 2016 Award of Merit, WSBA's highest honor. I have twice been awarded the American Immigration Lawyers Association Jack Wasserman Memorial Award for excellence in litigation; most recently, in 2014 for my work on the litigation team in *Franco-Gonzalez v. Holder*, establishing the right to appointed counsel for detained persons with serious mental disorders. I have also received the 2008 Access to Justice Leadership Award, from the Washington State Bar Access to Justice Board, and the 2005 Washington State Chapter AILA Award for Most Significant Impact in Pro Bono Litigation.

6) Glenda Aldana Madrid is an attorney at law, admitted in the State of Washington and a staff attorney at NWIRP, where she has worked since September of 2013. Glenda has worked in

NWIRP's litigation unit since she joined the organization. She is admitted to practice and has represented clients before the Ninth Circuit Court of Appeals as well as the federal district courts for the Western and Eastern Districts of Washington. Glenda has been assigned as class counsel in four cases: *Wagafe v. Trump*, 2017 WL 2671254 (W.D. Wash. 2017) (certifying nationwide classes); *Mendez Rojas, et al., v. Johnson, et al.*, No. C-16-1024-RSM, 2017 WL 1397749 (W.D. Wash. 2017) (certifying nationwide classes); *Martinez Banos, et al., v. Asher, et al.*, No. C-16-1454-JLR-BAT (W.D. Wash. 2017) (certifying district-wide class); *F.L.B., et al., v. Lynch, et al.*, 2016 WL 3458352 (W.D. Wash. June 24, 2016) (certifying Ninth Circuit wide class).

7) Leila Kang is an attorney at law, admitted in the State of Washington and a staff attorney at NWIRP, where she has worked since June of 2014. From June 2014 to December 2016, she worked at NWIRP's Tacoma, Washington office, as a Staff Attorney defending dozens of detained individuals in removal proceedings before the immigration court and the Board of Immigration Appeals. She then transferred to the Seattle office where she first directed the citizenship unit before joining the federal litigation unit.

7) Leila is admitted to practice and has represented clients before the Ninth Circuit Court of Appeal as well as the federal district courts for the Western and Eastern Districts of Washington. She serves as class counsel in *Martinez Banos, et al., v. Asher, et al.*, No. C-16-1454-JLR-BAT (W.D. Wash. Dec. 11, 2017) (certifying district-wide class).

8) Neither I nor any of our co-counsel are receiving reimbursement from the individual plaintiffs or class members in this case. All counsel in this case are qualified and capable of adequately and fairly representing the interests of the class.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Seattle, WA on the 24th of July, 2018.

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By: s/ Matt Adams
Matt Adams